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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,814	11/12/2003	Pao Chen Lee	14037 B	8836
36672	7590	12/21/2004	EXAMINER	
CHARLES E. BAXLEY, ESQ. 90 JOHN STREET THIRD FLOOR NEW YORK, NY 10038			LEYKIN, RITA	
			ART UNIT	PAPER NUMBER
			2837	

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,814

Applicant(s)

LEE, PAO CHEN

Examiner

Rita Leykin

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray US # 5,278,480 and Schap US # 5,105,131.

The limitations of claim 1 regarding positioning/adjusting device for outreaching/retracting member including a motor unit and circuit assembly disclosed by Murray in column 4, lines 31-67 and column 5, lines 1-65. Wherein, Murray teaches:

- A motor 24, for operation of a garage door 28;
- A revolution sensor 30 performs function of a detecting circuit;
- A microcomputer 10 responds to input received from controlling devices 14, 16, and 18 that represent button circuits. Wherein the microcomputer is programmed to establish a plurality of operational procedures, such as operating the power door in UP and DOWN directions including LEARN and ADJUSTING modes. The adequate number of pulses detected and

stored in microcomputer memory. That will provide for setting of uppermost and lowermost position as well as direction of movement;

- A radio receiver 20 provides another operative input in response to remote radio transmitter, as in claim 3.

Unlike the optical photo sensor claimed by the applicant, Murray's revolution sensor 30 is presented by Hall effect device,. Murray also does not teach presence of circuit board, where claimed control circuit is mounted. However, Schap discloses a power drive system for sliding door, wherein in Fig.7 he shows the optical encoder 128 for outputting related to the motor 40 rotation pulses to be received by electronic control unit 56. Murray also teaches the presence of circuit board 130 for mounting operational devices.

Hence, it has been obvious to one of ordinary skills in the art, at the time invention was made to use above teachings for control of positioning/adjusting device as it claimed, to provide setting and adjustment of lower and upper positions in outreaching/retracting member.

The reason is to provide a device for control of motor operation including adjusting of the device positions, due to environmental changes that can affect the operational position of the device.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murray US # 5,278,480 and Schap US # 5,105,131 and Scott, Jr. US # 4,338,553.

The limitations of the base claim 1 have been discussed in the rejection above. Murray and Schap do not teach a power detecting circuit in conjunction with the processor. However, Scott, Jr. in his control system for a motor actuated door operating mechanism in Fig. 3 and column 7, lines 23-45 discloses a power supply circuit 110 and a reset circuit 25 that is having an input connected to the power supply circuit 110 and an output connected to control circuitry for resetting the control circuitry after power supply failure.

Hence, it has been obvious to one of ordinary skills in the art, at the time invention was made to apply Scott, Jr. teaching to the inventions of over Murray and Schap to provide power restoration to control circuits that are responsible for unit operation in order to reset the memory and pulse counting device upon restoration of power.

The reason is to insure proper sequential operation of the outreaching/retracting member.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita Leykin whose telephone number is (571)272-2066. The examiner can normally be reached on Monday-Friday 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (571)272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rita Leykin
Primary Examiner
Art Unit 2837

A handwritten signature in black ink, appearing to read "Rita Leykin", written in a cursive style.

R.L.